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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,604	07/11/2003	Michael R. Manzano	2146-1-3	2950

996 7590 03/20/2007
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EXAMINER

PRICE, NATHAN E

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/617,604	Applicant(s) MANZANO, MICHAEL R.	
	Examiner Nathan Price	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to communications received 22 December 2006. Claims 1 – 31 are pending. Previous objections and rejections not included in this Office Action have been withdrawn.

Response to Arguments

2. Applicant's arguments filed 22 December 2006 have been fully considered but they are not persuasive. Applicant argues Saulpaugh does not teach the claimed mobile agent object because the client in Saulpaugh is a device. Examiner respectfully disagrees. Saulpaugh teaches the client can be software [col. 14 line 50 – col. 15 line 9].

Claim Objections

3. Claim 31 is objected to because of the following informalities:
In claim 31, it is not clear which memory and at least one service object is being requested in lines 22 and 31, respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 - 18, 20 - 29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Saulpaugh et al. (US 7,016,966 B1; hereinafter Saulpaugh).

As to claims 1 - 7, Saulpaugh teaches:

[Claim 1] a method for a mobile agent object to discover services available in a host-computing environment, the method comprising:

the mobile agent object requesting a service listing from the host environment;

the host environment returning a service listing to the mobile agent object in response to the request for the service listing;

the mobile agent object determining if a particular service is within the returned service listing; and

the mobile agent object requesting the particular service if the particular service is determined by the mobile agent object to be within the returned service listing [col. 47 lines 6 - 23; col. 48 lines 18 - 28];

[Claim 2] the mobile agent object moving to a computing environment other than the host-computing environment in response to determining that the particular service is

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not within the returned service listing [col. 43 lines 1 - 9; col. 3 lines 17 - 25; col. 23 lines 53 - 66; col. 97 lines 29 - 43];

[Claim 3] the host environment providing the particular service to the mobile agent object [col. 43 lines 42 - 50]; and

the mobile agent object incorporating the particular service [col. 2 lines 59 - 60; col. 3 lines 9- 16];

[Claim 4] the mobile agent object moving to a computing environment other than the host-computing environment in response to incorporating the particular service [col. 24 lines 1 - 4; col. 44 lines 18 - 49; col. 97 lines 29 - 43];

[Claim 5] the mobile agent object determining if a second particular service is within the returned service listing;

the mobile agent object requesting the second particular service if the second particular service is determined by the mobile agent object to be within the returned service listing;

the host environment providing the second particular service to the mobile agent object; and

the mobile agent object incorporating the second particular service [col. 102 lines 9 - 16; col. 47 lines 6 - 23; col. 48 lines 18 - 28; col. 43 lines 42 - 50; col. 2 lines 59 - 60; col. 3 lines 9 - 16];

[Claim 6] wherein the incorporated service comprises data [col. 16 lines 18 - 39],

[Claim 7] wherein the incorporated service comprises a process [col. 16 lines 18 - 39].

As to claims 8 - 13, Saulpaugh teaches:

[Claim 8] a method for an audit system in a host-computing environment to audit service events from a mobile agent object, the method comprising:

the audit system detecting a request for a service by a mobile agent object [col. 27 lines 8 - 18];

the audit system generating an audit event in response to detecting the request [col. 27 lines 8 - 18, 60 - 66]; and

the audit system logging the audit event in a database [col. 27 lines 8 - 18];

[Claim 9] the audit system notifying at least one audit plug-in in response to logging the audit event [col. 27 lines 52 - 66];

[Claim 10] the audit plug-in retrieving data from the database in response to the notifying [col. 27 lines 52 - 66];

[Claim 11] wherein the request for a service is a request for a directory service [col. 36 lines 36 - 44; col. 47 lines 6 - 23],

[Claim 12] wherein the generating of an event comprises communicating with a processor in the host-computing environment using an application program interface [col. 19 lines 26 - 27; col. 27 lines 8 - 18],

[Claim 13] further comprising:

the audit system detecting a second request for a service by a mobile agent object;

the audit system generating a second audit event in response to detecting the second request; and

the audit system logging the second audit event in a database [See the rejections of claims 1, 5 and 8].

As to claim 14, see the rejections of claims 1 and 8.

As to claim 15 - 17, see the rejections of claims 3, 9 and 10.

As to claims 18 and 20 - 23, Saulpaugh teaches:

[Claim 18] a computer system for hosting a mobile agent object having discovery ability, the system comprising:

a processor operable to facilitate communications between computer systems coupled by a network [col. 1 lines 24 - 29; the processor is inherent]; and

a memory coupled to the processor [inherent to be able to store the programs], the memory comprising:

a mobile-agent runtime environment operable to host a mobile agent object [Fig. 7; col. 14 lines 50 - 62];

a discovery service object operable to list service objects available to a mobile agent object in response to a discovery request from the mobile agent object [col. 47 lines 6 - 23]; and

at least one service object operable to interact with the mobile agent object in response to a request for the at least one service object by the mobile agent [col. 2 lines 56 - 66; col. 48 lines 18 - 28];

[Claim 22] wherein the at least one service object comprises a second mobile agent object [col. 24 lines 1 - 4; col. 50 lines 29 - 45],

[Claim 23] wherein the at least one service object comprises a second discovery service object [col. 43 lines 42 - 50; col. 44 lines 18 - 49].

As to claims 20 and 21, see the rejections of claims 6 and 7.

As to claim 24, see the rejections of claims 8 and 18.

As to claims 25 and 26, see the rejections of claims 9 and 10.

[Claim 27] a network interface controller [inherent to operate with a network] operable to facilitate the movement of the mobile agent object from the mobile-agent runtime environment to a second mobile-agent runtime environment [col. 97 lines 29 - 43];

[Claim 28] the second mobile-agent runtime environment resides in a memory of one of the other computing environments [Fig. 7; col. 14 lines 50 - 62; col. 97 lines 29 - 43];

[Claim 29] the second mobile-agent runtime environment resides in a second memory in the host-computing environment [col. 14 lines 50 - 62; col. 97 lines 29 - 43].

As to claim 31, Saulpaugh teaches at least one service object within the first mobile-agent runtime environment operable to interact with the mobile agent object in response to a request for the service object by the mobile agent object [col. 43 lines 42 - 50] and multiple clients in multiple environments [col. 14 lines 33 - 62]. See the rejection

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of claim 18 for details regarding limitations not specifically addressed in the rejection of claim 31.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saulpaugh as applied to claim 18 above, and further in view of admitted prior art. Saulpaugh fails to specifically disclose an injector process within the memory. However, paragraph 22 of Applicant's specification states that the injector program is well known in the prior art. Therefore, the prior art teaches the system further comprising an injector process within the memory, the injector process operable to launch the mobile agent object in the mobile-agent runtime environment. It would have been obvious to use an injector in combination with the disclosure of Saulpaugh because Saulpaugh does not restrict the ways that the programs can be launched and this is an existing technique.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saulpaugh. Saulpaugh teaches or at least implies that the second mobile-agent runtime environment resides in a portion of the memory in the host-computing

environment other than the portion of the memory where the first mobile-agent runtime environment resides [col. 14 lines 50 - 62; col. 23 lines 37 - 53]. Saulpaugh teaches that there can be multiple clients on the same device and that environments can include both a Java based and native code runtime environments. A second portion of memory is required to store the virtual machine [col. 2 lines 27 - 47].

Conclusion

7. The prior art made of record on the P.T.O. 892 that has not been relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:30am - 3:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP



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SUPERVISORY PATENT EXAMINER